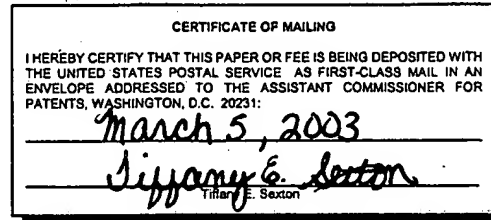




IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

3761
#4
PATENT OR
3733

In re application:)
Serial No.: 09/658,551)
Filed: September 8, 2000)
For: Breathing Assistance Apparatus)
Applicants: Jeffrey et al.)
Examiner: Not yet assigned)
Group Art Unit: 3761)
Atty. Docket No.: 1171/38910/79)



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TECHNOLOGY CENTER R3700

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Asst. Commissioner for Patents
Washington, D.C. 20231

Sir:

In accordance with Applicant's duty of candor under 37 CFR §1.56 and in compliance with 37 CFR §1.97 and §1.98, Applicant is not aware of any material prior art but, in an abundance of caution and candor, Applicant submits the present Supplemental Information Disclosure Statement and the attached Form PTO-1449. Copies of the listed references are included herewith.

Applicant first became aware of these references through a Search Report, copy enclosed, dated September 11, 2002 which issued in a corresponding patent application.

FR 2,222,074 is not in the English language. It is relevant because it discloses a unit that is used for respiratory gymnastic exercises performed by patients with pulmonary troubles, and has a transparent vessel, with a cover for liquid, a rigid tube integral with the cover extending downwards nearly to the base of the vessel. At the upper end, the tube is connected by a flexible hose to a mouthpiece. The vessel is calibrated, and the cover has an opening adjustable by means of a movable sealing member, which can be rotary. The member may be a button projecting from the cover with a slotted side providing a scale indicating the amount of opening.

EP 513 712 is also not in the English language. It is relevant because it discloses an exercise system that consists of a cylindrical container (1) with a cover (2) which has a flow regulator, a central bush (13), and a bubble tube (5) equipped with a non-return valve (6). The non-return valve is designed to be fitted to the central bus or the flow regulator, so that the system can be operated

either in the inhalation exhalation mode or as two separate cylinders, one for each process. The non-return valve is in the form of a bush (6) containing sealing seats which a steel ball locates. Tapered inner and outer surface enable the valve to be fixed to an eccentric aperture in the container cover or to the central bus. Where two containers are employed, they can be connected by two tubes (4) and a Y-shaped joint to a single tube with a mouthpiece.

This Supplemental Information Disclosure Statement is being filed before receipt of a first Office Action on the merits and constitutes a bona fide attempt to comply with 37 CFR §1.97 and §1.98.

In accordance with 37 CFR §1.97, the presentation of this information shall not be construed as a representation that a search has been made or that no other material information as defined in 37 CFR §1.56 exists, or as an admission that the information cited in this statement is, or is considered to be, material to patentability as defined in 37 CFR §1.56.

Respectfully submitted,

Dated: March 5, 2003

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